



# UNITED STATES PATENT AND TRADEMARK OFFICE

A  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,371	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.737	5132
25883	7590	10/21/2005		
HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			EXAMINER NGUYEN, HAI V	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 10/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/382,371

Applicant(s)

PHILYAW ET AL.

Examiner

Hai V. Nguyen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2142

## DETAILED ACTION

1. This Office Action is in response to the communication received 09 August 2005.
2. Claims 1-17 are presented for examination.

### ***Claim Objections***

3. Claims 1 and 14 contain the negative limitation, e.g., receiving unique information at the user's location before being connected to the network, which unique information has no associated routing information embedded therein and the purpose thereof not routing to the particular destination on the network;

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gifford** U.S patent # **5,812,776**.

6. As to claim 1, Gifford, Method Of Providing Internet Pages By Mapping The telephone Number Provided By Client To URL And Returning The Same In A Redirect Command By Server, discloses a method for interconnecting a user's location (*client*) on a network (*Internet*) to a select one of a plurality of destination locations (*Merchant Server*) on the network, comprising the steps of:

receiving unique information (*Fig. 6, get "number" which is telephone number or flight number, or reservation number or other identifier*) at the user's location before being connected to the network, which unique information has no associated routing information embedded therein and the purpose thereof not routing to the particular destination on the network (*Gifford, Abstract, col. 3, lines 6-30*); assembling a data transmission containing a representation of the unique information; transmitting the data transmission to an intermediate node (*directory server*) on the network having associated therewith a database (*Gifford, Abstract, col. 3, lines 6-30*);

receiving from the intermediate node on the network instructional code (*Redirect command*) that was generated at the intermediate location as a result of the transmission of the data transmission thereto, which instructional code includes routing information (*Target URL*) that instructs the user location to connect to one of the plurality of destination locations (*Merchant server*) on the network that has defined association with the representation of the unique information defined in a database (*Number-to-URL database*) at the intermediate location on the network (*Gifford, Abstract, col. 3, lines 6-30; col. 7, line 1 – col. 8, line 52*).

interconnecting, in response to the step of receiving from the intermediate location on the network instructional code and without any intervention at the user location, the user's location to the one of the plurality of destination locations across the network in accordance with the network routing information and accordance with the received instructional code such that connection to the one of the plurality of destination locations is controlled by the intermediate location in accordance with the defined association between the representation of the unique information received at the user location and the routing information to the one of the plurality of destination locations on the network (*Gifford, Abstract, Figs. 2A-2B; col. 3, lines 6-30; col. 4, line 20 – col. 5, line 65; col. 8, lines 13-23*).

7. As to claim 2, Gifford discloses the network comprises a global communication network (*Gifford, Internet*).

Art Unit: 2142

8. As to claim 3, Gifford discloses the step of receiving the unique information comprises receiving machine-readable code having unique information embedded therein (*Client inputs the number, message 1 in Fig. 6; col. 7, lines 47-65*).

9. As to claim 4, Gifford discloses the step of receiving the machine readable code comprises scanning the machine readable code, decoding the machine readable code and outputting the information encoded within the machine readable code as the representation of the unique information (*Client inputs the number, message 1 in Fig. 6; col. 7, lines 47-65*).

10. As to claims 5-8, Gifford discloses the number or other identifiers which are machine-readable code. Therefore, the product code, barcode, ISBN number and EAN code are merely the numbers or identifiers which are machine-readable code.

11. As to claim 9, Gifford discloses, further comprising the step of receiving from the one of the plurality of destination locations at the user location display information generated by the one of the plurality of destination locations which is displayed to a user at the user location after interconnection to the one of the plurality of destination locations by the step of interconnecting (*col. 7, line 1 - col. 8, line 52*).

12. As to claim 10, Gifford discloses the step of receiving from the intermediate location on the network instructional code comprises:

comparing the received representation of unique information at the intermediate location with a database of routing information, which database of routing information includes a plurality of associative relationships between predetermined representations

Art Unit: 2142

of unique information and locations of various ones of the plurality of destination locations on the network (*col. 7, line 1 - col. 8, line 52*) and

if an association between the received representation of unique information and routing information on any of a plurality of destination locations on the network exists within the database, returning the associated routing information as part of instructional code back to the user location for effecting a network connection to the one of the plurality of destination locations indicated by the routing information in the step of interconnecting (*col. 7, line 1 - col. 8, line 52*).

13. As to claim 11, Gifford discloses, wherein the step of interconnecting includes the step of activating a web browser program which facilitates the interconnection over the network in response to receiving the instructional code including the routing information, which web browser program is operable to at least provide the interconnection of the user location to the destination location in accordance with the associated routing information under control of the intermediate location (*col. 7, line 67 - col. 8, line 52*).

14. As to claim 12, Gifford discloses, wherein the step of assembling a data transmission comprises assembling a message packet containing a representation of the unique information (*number or other identifiers*).

15. As to claim 13, Gifford discloses, wherein the step of assembling the message packet comprises forming a data transmission that is comprised of a first field having associated therewith source information as to the location on the network of the user location, a second field having associated therewith destination information as to the

Art Unit: 2142

location of the intermediate node on the network and a third field having associated therewith the representation of the unique information (*SID and number/identifier*).

16. Claim 14 is similar limitations of claim 1; therefore, it is rejected under the same rationale as in claim 1.

17. Claims 15-17 are similar limitations of claims 4, 9, 10; therefore, they are rejected under the same rationale as in claims 4, 9, 10.

18. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

### ***Response to Arguments***

19. Applicant's arguments filed on 09 August 2005 have been fully considered but they are not persuasive.

20. In the remark, Applicant argued in substance that:

Point (A), the prior art does not disclose an input a unique code that has no routing information contained therein.

As to point (A), Gifford discloses the "number" which is telephone number or flight number, or other identifier which merely the computer codes or scripts appended in the URL at the intermediate location, e.g., directory server, which can be programmed or scripted in the computer programming language and readable by the computer.



### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen  
Examiner  
Art Unit 2142



THO & VU  
Primary Examiner  
